THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18222 of 2006

Dated: 01-09-2006

Between:

Qamer Educational Society,
rep. by its President,
Hyderabad.

..... PETITIONERS

AND

The State of Andhra Pradesh, rep. by its Secretary,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18222 of 2006

ORDER:

The petitioner, M/s Qamer Educational Society, is registered under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 Fasli. It is running an Arabic School in the land admeasuring Acs.3.06 cents in survey No.176/7 situated at Aziz Nagar, Moinabad Mandal, Ranga Reddy District. The petitioner allegedly purchased the land under a registered sale deed dated 27-03-2003. The second respondent, namely, the Mandal Revenue Officer (MRO), Moinabad, initiated action under the Andhra Pradesh Land Encroachment Act, 1905 (for brevity, the Act), and after issuing notice and finding the occupation of the petitioner as objectionable, passed orders under Section 6 of the Act on 29-08-2006. Against said order, an appeal would lie to the Revenue Divisional Officer (RDO) under Section 10 of the Act. Section 11 of the Act provides sixty days period for an aggrieved person to file an appeal. It is the allegation of the petitioner that even before the expiry of the appeal time of sixty days, MRO threatened to demolish the premises where technical education is being imparted to Pardah Nashi ladies. Apprehending further detriment to the interests of the petitioner, this writ petition is filed.

There is no denial that MRO passed orders on 29-08-2006 and therefore, there is still time for the petitioner to file appeal before RDO. Before the expiry of limitation period, it would not be proper for MRO to go to the petitioner's premises and take any coercive steps either for demolition or dispossessing the petitioner. Be that as it is, the petitioner may approach the appellate authority within a period of week from the date of receipt of a copy of this order and obtain appropriate orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

1st September, 2006

ghn